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**WELFARE AND INSTITUTIONS CODE - WIC**

**DIVISION 5. COMMUNITY MENTAL HEALTH SERVICES [5000 - 5987]** ( *Division 5 repealed and added by Stats. 1967, Ch. 1667.* )

**PART 1. THE LANTERMAN-PETRIS-SHORT ACT [5000 - 5550]** ( *Heading of Part 1 amended by Stats. 1968, Ch. 1374.* )

**CHAPTER 6.2. Mental Health Advocacy [5500 - 5550]** ( *Heading of Chapter 6.2 renumbered from Chapter 6 (as added by Stats. 1981, Ch. 841) by Stats. 1986, Ch. 248, Sec. 251.* )

**ARTICLE 5. Access to Records [5540 - 5546]** ( *Article 5 added by Stats. 1981, Ch. 841, Sec. 7.* )

**5540.** Except as otherwise provided in this chapter or in other provisions of law, information about and records of recipients of mental health services shall be confidential in accordance with the provisions of Section 5328.

(*Added by Stats. 1981, Ch. 841, Sec. 7.*)

**5541.** (a) A specific authorization by the client or by the guardian ad litem is necessary for a county patients' rights advocate to have access to, copy or otherwise use confidential records or information pertaining to the client. Such an authorization shall be given knowingly and voluntarily by a client or guardian ad litem and shall be in writing or be reduced to writing. The client or the guardian ad litem, whoever has entered into the agreement, may revoke such authorization at any time, either in writing or by oral declaration to the advocate.

(b) When specifically authorized by the client or the guardian ad litem, the county patients' rights advocate may inspect and copy confidential client information and records.

(*Added by Stats. 1981, Ch. 841, Sec. 7.*)

**5542.** County patients' rights advocates shall have the right to inspect or copy, or both, any records or other materials not subject to confidentiality under Section 5328 or other provisions of law in the possession of any mental health program, services, or facilities, or city, county or state agencies relating to an investigation on behalf of a client or which indicate compliance or lack of compliance with laws and regulations governing patients' rights, including, but not limited to, reports on the use of restraints or seclusion, and autopsy reports.

(*Added by Stats. 1981, Ch. 841, Sec. 7.*)

**5543.** (a) Notwithstanding any other provision of law, with the authorization of the client, a county patients' rights advocate may, to the extent necessary for effective advocacy, communicate to the client information contained in client records. The facility program, or agency, shall be allowed to remove from the records any information provided in confidence by members of a client's family.

(*Added by Stats. 1981, Ch. 841, Sec. 7.*)

**5544.** Any written client information obtained by county patients' rights advocates may be used and disseminated in court or administrative proceedings, and to any public agencies, or authorized officials thereof, to the extent required in the providing of advocacy services defined in this chapter, and to the extent that authority to so disclose is obtained from the advocate's clients.

(*Added by Stats. 1981, Ch. 841, Sec. 7.*)

**5545.** Nothing in this chapter shall be construed to limit access to recipients of mental health services in any mental health facility, program, or service or to information or records of recipients of mental health services for the purposes of subdivision (b) of Section 5520 or when otherwise authorized by law to county patients' rights advocates or other individuals who are not county patients' rights advocates.

(*Added by Stats. 1981, Ch. 841, Sec. 7.*)

**5546.** The actual cost of copying any records or other materials authorized under this chapter, plus any additional reasonable clerical costs, incurred in locating and making the records and materials available, shall be borne by the advocate. The additional clerical costs shall be based on a computation of the time spent locating and making the records available multiplied by the employee's hourly wage.

*(Added by Stats. 1981, Ch. 841, Sec. 7.)*